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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,282	04/04/2006	David A. Jarus	1200323N US	6688
35227 7590 01/09/2007 POLYONE CORPORATION 33587 WALKER ROAD AVON LAKE, OH 44012			EXAMINER NILAND, PATRICK DENNIS	
			ART UNIT 1714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/595,282

Applicant(s)

JARUS ET AL.

Examiner

Patrick D. Niland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat.

Application Publication No. 2002/0156171 A1 Drewniak et al..

Drewniak discloses the instantly claimed compounds, articles, and methods at the abstract; sections [0002], [0008], [0015]-[0024], which encompasses the instantly claimed amounts of ingredients of claims 1, 4, 8, 14, and 16 and the modified polyolefin falls within the scope of the instantly claimed “compatibilizing dispersion agent” since it performs that function, [0025]-[0026], [0034]-[0042], [0043]-[0045], which encompasses the instantly claimed nanoclays, [0048]-[0065], which encompasses the instantly claimed method steps of claims 5, 10, and 11 and sections [0048]-[0049], [0051]-[0052] further encompass the instantly claimed amounts, [0053] encompasses the additives of the instant claims 3, 12, and 13, [0077], [0087], [0089], [0090], of which the examples use amounts falling within the scope of the instant claims, [0092], [0093], [0095], of which the examples use amounts falling within the scope of the instant claims, [0097] of which the polyethylene octene falls within the scope of the elastomer of the instant

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claims 2 and 17, [0098]-[0114], the claims, and the remainder of the document. Pellets of the instant claim 9 are disclosed at section [0064].

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Application Publication No. 2002/0156171 A1 Drewniak et al..

Drewniak discloses the instantly claimed compounds, articles, and methods at the abstract; sections [0002], [0008], [0015]-[0024], which encompasses the instantly claimed amounts of ingredients of claims 1, 4, 8, 14, and 16 and the modified polyolefin falls within the scope of the instantly claimed “compatibilizing dispersion agent” since it performs that function, [0025]-[0026], [0034]-[0042], [0043]-[0045], which encompasses the instantly claimed nanoclays, [0048]-[0065], which encompasses the instantly claimed method steps of claims 5, 10, and 11 and sections [0048]-[0049], [0051]-[0052] further encompass the instantly claimed amounts, [0053] encompasses the additives of the instant claims 3, 12, and 13, [0077], [0087], [0089], [0090], of which the examples use amounts falling within the scope of the instant claims, [0092], [0093], [0095], of which the examples use amounts falling within the scope of the instant claims, [0097] of which the polyethylene octene falls within the scope of the elastomer of the instant claims 2 and 17, [0098]-[0114], the claims, and the remainder of the document. Pellets of the instant claim 9 are disclosed at section [0064].

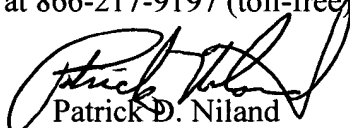
It would have at least been obvious to one of ordinary skill in the art at the time of the instant invention to use the instantly claimed ingredient combinations, amounts thereof, and processing steps in making the final articles because they are encompassed by the reference and would have been expected to give the properties and results disclosed by the reference.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick D. Niland whose telephone number is 571-272-1121. The examiner can normally be reached on Monday to Thursday from 10 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrick D. Niland
Primary Examiner
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